

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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GABRIEL GARAVANIAN, et. al.)
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 Plaintiffs,)
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 v.) CIVIL ACTION
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 NO. 23-10678-WGY
JET BLUE AIRWAYS CORPORATION,)
SPIRIT AIRLINES, INC.)
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 Defendants.)
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YOUNG, D.J.

October 11, 2023

ORDER

The Defendant Airlines filed a motion for summary judgment, Def.'s Mot. Summ. J., ECF No. 172, and the parties have fully briefed the issue, Pl.'s Opp'n. Mot. Summ. J., ECF No. 184; Def.'s Reply Opp'n. Mot. Summ. J., ECF No. 212. This Court held oral argument on October 4, 2023, and took the parties' arguments regarding the Plaintiffs' standing under advisement.

After careful review, this Court **DENIES** the motion for summary judgment, Def.'s Mot. Summ. J., ECF No. 172, with respect to Plaintiffs Gabriel Garavanian ("G. Garavanian") and Timothy Niebor ("Niebor"). This Court **GRANTS** the motion for summary judgment, Def.'s Mot. Summ. J., ECF No. 172, with respect to all other Plaintiffs as they lack standing under

Article III of the United States Constitution. See Lujan v. Defs. of Wildlife, 504 U.S. 555, 560-61 (1992).

G. Garavanian and Niebor both fly Spirit Airlines ("Spirit") regularly and allege they will be harmed by the lower output and higher prices that may result from Spirit's acquisition by Jet Blue Airways ("JetBlue"). See Pl. Niebor's Supp. Responses Interrogatories, ECF No. 175-66; Pl. G. Garavanian's Supp. Responses Interrogatories, ECF No. 175-43; G. Garavanian Dep., ECF No. 175-42. Each has standing to bring an antitrust claim because they are "the type of person[s] the law intends to protect against the harm of which [they] complain." Cia. Petrolera Caribe, Inc. v. Arco Caribbean, Inc., 754 F.2d 404, 408 (1st Cir. 1985) (citing Ozonoff v. Berzak, 744 F.2d 224, 227 (1st Cir. 1984)).

Defendants' motion for summary judgment, ECF No. 172, is denied as to Plaintiffs G. Garavanian and Niebor, and granted as to all others. The Court welcomes amicus briefs from the dismissed Plaintiffs, should they be inclined to file them. It is in the interest of justice that judgment for the Defendants against the other Plaintiffs shall be entered at once, per Rule 54(b), so that an immediate appeal may be lodged.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
JUDGE
of the
UNITED STATES¹

¹ This is how my predecessor, Peleg Sprague (D. Mass. 1841-1865), would sign official documents. Now that I'm a Senior District Judge I adopt this format in honor of all the judicial colleagues, state and federal, with whom I have had the privilege to serve over the past 45 years.